



CITY OF FREMONT NEBRASKA

SPECIAL CITY COUNCIL MEETING, BOARD OF EQUALIZATION & REGULAR CITY COUNCIL MEETING MINUTES

March 09, 2021 - 7:00 PM

City Council Chambers 400 East Military, Fremont NE

SEPCIAL CITY COUNCIL MEETING MINUTES

MEETING CALLED TO ORDER Following the Pledge of Allegiance, Mayor Spellerberg called the Special City Council meeting to order and stated that a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas.

ROLL CALL Roll call showed Council Members Gibson, Ellis, Ganem, Yerger, Sookram, Legband, Kuhns, and Jensen present. 8 members present.

1. Mayor goals. Motion made by Jensen, seconded by Legband to receive report on Mayor Spellerberg's goals into the record. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.

ADJOURNMENT Motion made by Jensen, seconded by Legband to adjourn; time: 7:03 P.M. Voting Yea: Yerger, Ellis, Gibson, Legband, Ganem, Sookram, Kuhns, Jensen. Motion carried.

BOARD OF EQUALIZATION MINUTES

MEETING CALLED TO ORDER Mayor Spellerberg called the Board of Equalization meeting to order and stated that a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas.

ROLL CALL Roll call showed Members Gibson, Ellis, Ganem, Yerger, Sookram, Legband, Kuhns, and Jensen present. 8 members present.

PUBLIC HEARING

1. Hold public hearing and consider complete cost and schedule of Assessments for Business Improvement District #1. Mayor Spellerberg opened the public hearing. Mayor Spellerberg closed the public hearing after receiving comments from the public. Motion made by Jensen, seconded by Legband to approve all requests for single family exemption except properties 734 N. Park and 114 E. Military for further discussion and action. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Kuhns, seconded by Ganem to deny the request for exemption for property located at 734 N. Park. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Yerger,

seconded by Legband to approve the 100% exemption request for 114 E. Military. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Gibson, seconded by Legband to approve all requests for mixed use except properties 310 E. Military, empty lot with property ID #270139256 owned by Charter, Victoria J., 320 E. 4th, 84 W. 6th (West 1/2) and 641-647 N. Broad St. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Jensen, seconded by Yerger to approve a 50% exemption for property at 310 E. Military. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Yerger, seconded by Sookram to deny the exemption request for empty lot with property ID #270139256 owned by Charter, Victoria J. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Legband, seconded by Sookram to deny the exemption request for property located at 320 E. 4th St. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Gibson, seconded by Ganem to deny the exemption request for property 84 W. 6th (West 1/2). Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Jensen, seconded by Legband to approve a 50% exemption for property at 641-647 N. Broad. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Ganem, seconded by Legband to approve 100% exemption for property located at 315 E. 4th St. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.

ADJOURNMENT Motion made by Jensen, seconded by Gibson to adjourn; time: 7:40 P.M. Voting Yea: Yerger, Ellis, Gibson, Legband, Ganem, Sookram, Kuhns, Jensen. Motion carried.

CITY COUNCIL REGULAR MEETING MINUTES

7:00 PM – Following the preceding Meeting

MEETING CALLED TO ORDER Mayor Spellerberg called the City Council Meeting to order and stated that a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas.

ROLL CALL Roll call showed Council Members Gibson, Ellis, Ganem, Yerger, Sookram, Legband, Kuhns, and Jensen present. 8 members present.

MAYOR COMMENTS

(There will be no discussion from the Council or the public regarding comments made by the Mayor. Should anyone have questions regarding the comments, please contact the Mayor after the meeting)

1. Motion to adopt current agenda for the March 9, 2021 Regular Meeting. Motion made by Yerger, seconded by Jensen to move item #32 to the end of the agenda, and item #21 before item #16. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Jensen, seconded by Yerger to adopt current agenda for the March 9, 2021 Regular Meeting as amended. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.

CONSENT AGENDA: All items in the consent agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or a citizen so requests, in which event the item will be removed from the consent agenda and considered separately.

2. Motion to approve February 24, 2021 through March 9, 2021 claims and authorize checks to be drawn on the proper accounts. Motion made by Gibson, seconded by Jensen to approve February 24, 2021 through March 9, 2021 claims and authorize checks to be drawn on the proper accounts. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
3. Report of the Treasury
4. Dispense with and approve February 23, 2021 City Council Meeting and Community Development Agency Minutes. Motion made by Jensen, seconded by Yerger to amend the minutes to reflect the abstention of Council Member Jensen on the two actions for item #12 of the Minutes. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Jensen, seconded by Legband to approve February 23, 2021 City Council Meeting and Community Development Agency Minutes as amended. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
5. Motion to approve request for renewal of the Government Services Contract between the City and the Fremont Area Chamber of Commerce for 2021. Motion made by Gibson, seconded by Legband to approve request for renewal of the Government Services Contract between the City and the Fremont Area Chamber of Commerce for 2021. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
6. Resolution 2021-033 approving the request of Kristin Widman to use the City's Parking Lot at 400 E. Military Ave for a .5K walk. Motion made by Yerger, seconded by Legband to amend the Resolution to add COVID-19 contingency language as reflected in other event resolutions on the agenda. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Yerger, seconded by Sookram to approve Resolution 2021-003 as amended. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
7. Resolution 2021-034 approving the request of Keep Fremont Beautiful to use the Ilgenfritz Parking Lot for the All Metals Market and Cross Electronics Recycling Drop Site
8. Resolution 2021-035 to approve application for new liquor license manager of Crystal M. Hussey, KC's LLC, dba RD's Place, 2215 N. Broad St.
9. Motion to approve request by Mainstreet Fremont to use John C. Fremont Park for Concert in the Park Series. Motion made by Gibson, seconded by Yerger to approve request by Mainstreet Fremont to use John C. Fremont Park for Concert in the Park Series. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
10. Motion to authorize Mayor to sign Deed of Reconveyance for 1132 N. C Street
11. Resolution 2021-036 awarding bid and authorizing the Mayor to sign contract with BLT Plumbing for Christensen Field boiler for heated sidewalk project. Motion made by Legband, seconded by Jensen to amend the Resolution to correct the bid date to February 23, 2021. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Gibson, seconded by Ganem to approve Resolution 2021-036 as amended. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.

UNFINISHED BUSINESS: Requires individual associated action

12. Ordinance 5552 approving sale of Tech Park property to Rockhill Real Estate, LLC to relocate Pearl Academy daycare business (final reading). Motion made by Kuhns, seconded by Legband to hold final reading of the Ordinance. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. City Clerk provided final reading. Mayor Spellerberg called for a final vote on the Ordinance. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Ordinance 5552 approved.
13. Ordinance 5553 approving sale of Tech Park property to McGinn Holdings, LLC to purchase additional land for future growth (final reading). Motion made by Yerger, seconded by Ellis to amend the agreement to remove items #20 and #21 of the agreement. Voting Yea: Yerger, Ellis, Jensen, Ganem Voting Nay: Legband, Kuhns, Sookram, Gibson. Motion failed. Motion made by Gibson, seconded by Legband to hold final reading of Ordinance 5553. Voting Yea: Jensen, Legband, Kuhns, Sookram, Ganem, Gibson Voting Nay: Yerger, Ellis. Motion carried. City Clerk provided final reading. Mayor Spellerberg called for a final vote on the Ordinance. Voting Yea: Jensen, Legband, Kuhns, Sookram, Ganem, Gibson Voting Nay: Yerger, Ellis. Motion carried. Ordinance 5553 is approved.
14. Ordinance 5555 amending ordinance No. 5427 as it pertains to the zoning map, to rezone the property generally described as located on the west side of Yager Road approximately 880 feet south of Highway 30 from R rural to PD Planned Development (second reading). Motion made by Jensen, seconded by Kuhns to hold second reading of Ordinance 5555. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. City Clerk provided second reading of the Ordinance. Motion carried. City clerk provided second reading.
15. Ordinance 5556 annexing by voluntary petition property generally described as Tax Lots 33, 35, 37, and a portion of Tax Lot 48 along with lots 2 and 4, block 2 L.J. Abbot Subdivision (second reading). Motion made by Yerger, seconded by Legband to hold second reading of the Ordinance. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. City Clerk provided second reading of the Ordinance.
21. Ordinance 5562 amending Exhibit B of Ordinance 5427, specifically Section 11-920 of the Unified Development Code regarding the definitions of Campground, Camping Unit, Carwash, Duplex, Dwelling Unit, Kennel, Lodging House, Lot, Multifamily, Personal Camp Site, Rowhome, Service Station, Storage Yard, Townhome, and Transient Lodging Services (second reading). Motion made by Legband, seconded by Kuhns to hold second reading of the Ordinance. Voting Yea: Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. City Clerk provided second reading of the Ordinance.
16. Ordinance 5557 amending Exhibit B of Ordinance 5427, specifically to Table 11-502.02 Institutional, Recreation and Amusement Uses of the Unified Development Code to add the use "Personal Camp Site" (second reading). Motion made by Jensen, seconded by Kuhns to hold second reading of Ordinance 5557. Voting Yea: Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. City Clerk provided second reading of the Ordinance.

17. Ordinance 5558 amending Exhibit B of Ordinance 5427, specifically Table 11-502.03 "Commercial Uses" to add Carwash, delete Non-transient Lodging Services, add "Restaurant, drive through" and, add "Kennels" to "Small Animal Boarding Facilities." (second reading). Motion made by Legband, seconded by Kuhns to hold second reading of the Ordinance. Voting Yea: Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. City Clerk provided second reading of the Ordinance.
18. Ordinance 5559 amending Exhibit B of Ordinance 5427, specifically Section 11-504.02 "Use Specific Provisions" to revise the provisions for "Campground" and add "Personal Camp Site" (second reading). Motion made by Kuhns, seconded by Jensen to hold second reading of the Ordinance. Voting Yea: Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. City Clerk provided second reading of the Ordinance.
19. Ordinance 5560 amending Exhibit B of Ordinance 5427, specifically Section 11-504.03 "Use Specific Provisions" to add "Restaurant, Drive Through", and "Carwash", and; to revise "Service Station", and "Small Animal Boarding Facility /Kennel and to strike "Non-transient lodging services" (second reading). Motion made by Legband, seconded by Sookram to hold second reading of the Ordinance. Voting Yea: Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. City Clerk provided second reading of the Ordinance.
20. Ordinance 5561 amending Exhibit B of Ordinance 5427, specifically Section 11-616(b) regarding encroachments into the required yards, specifically to allow egress windows to encroach into the required yard by three feet and to allow ADA ramps to encroach into required yards provided three feet remains (second reading). Motion made by Jensen, seconded by Sookram to hold second reading of the Ordinance. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. City Clerk provided second reading of the Ordinance.

NEW BUSINESS: Requires individual associated action

22. Resolution 2021-037 authorizing levying of assessments for Business Improvement District #1. Motion made by Jensen, seconded by Yerger to receive updated spreadsheet Exhibit A into the record. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Yerger, seconded by Jensen to amend the resolution to add that no late filed exemption application will be accepted. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Gibson, seconded by Jensen to approve amended Resolution 2021-037 based upon the approved assessments of the Board of Equalization. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
23. Motion to consent to appointment by the Mayor to the Civil Services Commission. Motion made by Gibson, seconded by Kuhns to appoint Steve Tellatin to the Civil Services Commission as provided by the Mayor. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
24. Resolution 2021-038 approving Architectural Services Agreement Addendum #1 with Davis Design, Inc. for Design Services in connection with the Fire Suppression System at the Aircraft Terminal Hangar Building at the Fremont Airport. Motion made by Yerger, seconded by Ellis to continue the item until funding is available for the project. Voting Yea:

Yerger, Ellis, Ganem Voting Nay: Jensen, Legband, Kuhns, Sookram, Gibson. Motion failed. Motion made by Legband, seconded by Kuhns to approve Resolution 2021-038. Voting Yea: Jensen, Legband, Kuhns, Sookram, Gibson Voting Nay: Yerger, Ellis, Ganem. Motion carried.

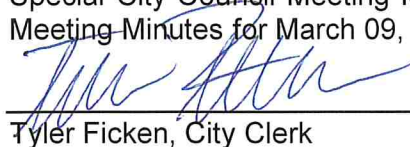
25. Resolution 2021-039 approving Architectural Services Agreement with Davis Design, Inc. for Design Services in connection with the Aircraft Terminal Building at the Fremont Airport. Motion made by Jensen, seconded by Legband to approve Resolution 2021-039. Voting Yea: Yerger, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson Voting Nay: Ellis. Motion carried.
26. Fire Department Annual Report. Motion made by Jensen, seconded by Yerger to receive Fire Department Annual Report. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
27. Resolution 2021-040 approving the 2021 City of Fremont One Year-Six Year Street Improvement Plan. Motion made by Legband, seconded by Sookram to approve Resolution 2021-040. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
28. Resolution 2021-041 to place "No Parking Signs" on the South side of 9th Street for a distance of 30 feet West of the West right of way line of Lincoln Avenue. Council Member Yerger made a motion to receive the traffic committee report into the record. Motion failed due to lack of a second. Motion made by Jensen, seconded by Legband to approve Resolution 2021-041. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
29. Resolution 2021-042 authorizing placement of stop signs at the intersection of 4th Street and Union Street, in the Northbound and Southbound directions. Motion made by Yerger, seconded by Legband to approve Resolution 2021-042. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
30. Ordinance 5563 approving sale of Tech Park property to Brian Levender to operate body shop business (first reading). Motion made by Legband, seconded by Kuhns to introduce and hold first reading of Ordinance 5563. Voting Yea: Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. City Clerk provided first reading.
31. Motion to approve option agreement for a lot in the City's Tech Park with Brian Levander. Motion made by Yerger, seconded by Gibson to continue the item until the final reading of Ordinance 5563. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
33. Council Member Yerger item - Receipt and Discussion of February DCHS Sheltering and Animal Control Report. Motion made by Legband, seconded by Yerger to receive February DCHS Sheltering and Animal Control Report. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
34. Council Member Yerger item - Receipt and discussion of February FurEver Home Sheltering and Animal Control Report. Motion made by Legband, seconded by Gibson to receive February FurEver Home Sheltering and Animal Control Report. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.

32. Council Member Yerger item - Executive session for update on threatened, potential and active litigation. Executive session for attorney client privilege to discuss update on threatened, potential and active litigation. Moved by Yerger, seconded by Ganem to go into executive session to discuss update on threatened, potential and active litigation and for the further reason that the executive session is necessary for the protection of the public interest and asked for discussion. The Mayor stated that the pending motion was to go into executive session for attorney client privilege to discuss update on threatened, potential and active litigation and for the further reason that the executive session is necessary for the protection of the public interest. Voting Yea: Gibson, Ganem, Jensen, Sookram, Yerger, Ellis Nay: Legband, Kuhns. Motion carried. The Mayor stated that the motion to go into executive session for attorney client privilege to discuss update on threatened, potential and active litigation and for the further reason that the executive session is necessary for the protection of the public interest had been approved. Discussion will be limited to update on threatened, potential and active litigation. No official actions or votes will be taken during the executive session. Time in: 10:51 p.m. Moved by Jensen, seconded by Ganem to come out of executive session where no official actions or votes were taken. Voting Yea: Yerger, Ellis, Gibson, Jensen, Legband, Sookram, Ganem. Kuhns. Motion carried. Time out: 11:19 p.m.

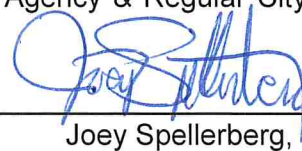
ADJOURNMENT Motion made by Kuhns, seconded by Gibson to adjourn; time: 11:20 P.M. Voting Yea: Yerger, Ellis, Gibson, Legband, Ganem, Sookram, Jensen. Kuhns. Motion carried.

Agenda posted at the Municipal Building on March 3, 2021 and online at www.fremontne.gov. Agenda distributed to the Mayor and City Council on March 3, 2021. This meeting is preceded by publicized notice in the Fremont Tribune on the last Thursday of the preceding month and the agenda, including any notice of study session or public hearing, is displayed in the Municipal Building and is open to the public. The official current copy is available at City Hall, 400 East Military, City Clerk's Office. The City Council reserves the right to go into Executive Session at any time. A copy of the Open Meeting Law is posted in the City Council Chambers for review by the public. The City of Fremont reserves the right to adjust the order of items on the agenda.

APPROVED AND ACCEPTED AS THE OFFICIAL COPY OF THE FREMONT, NEBRASKA Special City Council Meeting Minutes, Community Development Agency & Regular City Council Meeting Minutes for March 09, 2021.



Tyler Ficken, City Clerk



Joey Spellerberg, Mayor